

REMARKS

The applicants appreciate the Examiner's thorough examination of the application and request reexamination and reconsideration of the application in view of the following remarks.

The Examiner rejects claims 1-27 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,594,693 to *Borwanker* in view of U.S. Pat. No. 6,978,292 to *Murakami et al.*

The goals and purposes, structure and functionality of *Borwanker* (and the secondary reference *Murakami et al.* as discussed further below) are fundamentally different than the applicants' claimed invention.

In contrast to the applicants' claimed invention, neither *Borwanker* nor *Murakami et al.* nor their combination teaches, among other things, the applicants' claimed invention as a whole – nor do they each and every element of the applicants' claimed invention as discussed further below.

While both *Borwanker* and *Murakami et al.* in some sense teach the “idea” of on-line messaging and/or updating of information, it is not simply the “idea” of on-line conversations or updating information that is claimed by the applicants.

“Reducing a claimed invention to an ‘idea’, and then determining the patentability of that ‘idea’ is error ... Analysis properly begins with the claims for they measure and define the invention.” See *Jones v. Hardy*, 727 F.2d 1524, 220 USPQ 1021, 1024 (Fed. Cir. 1984) (with citations omitted).

The applicants' claimed invention characterizes the relationships in a social network, e.g. by use of pattern and purpose information to characterize the nature and quality of the

relationships between network members, to objectively analyze communication patterns between and among individuals and groups, and thus target problem areas for improvement. See also the applicants' specification at page 2, line 16 through page 3, line 4.

With this characterization information (uniquely determined with and by the applicants' claimed invention), improvements in communications and productivity between and among members of a social network can be achieved.

In contrast to the applicants' claimed invention, *Borwanker* simply teaches synchronized conversations using electronic messages over a computer network which can be initiated by a conference participant without an application administrator, i.e. Lotus Notes, and without subscribing to or being a member of such an application server. See e.g. *Borwanker* column 3, lines 23-30.

In contrast to the applicants' claimed invention, *Murakami et al.* simply teaches a way to detect the content of an internet channel to determine whether the chat content matches the channel identifier and channel topic, in order to save search time when searching for a topic. See e.g. *Murakami et al.* column 3, lines 13-18 and column 2, lines 27-53.

Further, it would not be obvious to combine *Borwanker* and *Murakami et al.* because their teachings are diametrically opposite one another.

MURAKAMI ET AL. FAILS TO TEACH UPDATING A DIALOGUE STATUS

Among other things, the applicants' independent claim 1 includes determining a status of a dialogue (between members of a social network) and updating the dialogue status as the dialogue progresses.

The Examiner admits that the primary reference *Bowanker* “does not specifically disclose updating the dialogue status”. The Examiner cites *Murakami et al.* for this proposition, however, stating that “Murakami et al. discloses updating the dialogue status (figs. 4, 7; col. 9, line 51 – col. 11, line 24)”.

In contrast to the applicants’ claimed invention, however, *Murakami et al.* simply teaches a way to detect the content of an internet channel to determine whether the chat content matches the channel identifier and channel topic, in order to save search time when searching for a topic. See e.g. *Murakami et al.* column 3, lines 13-18 and column 2, lines 27-53.

To achieve that goal, *Murakami et al.* gathers information regarding essentially the number of “hits” on a word or topic (e.g. “computers”, “education”, “sports”) as such words appear for example in a URL, in a message, or in the applicable shared virtual space (i.e. “channels”). Moreover, *Murakami et al.* teaches weighting the number of hits according to predetermined formulas, and adding (or subtracting) them to provide an output. See e.g. *Murakami et al.* column 9, line 51 – column 11, line 24. By monitoring the number of hits on a word or topic in this way, *Murakami et al.* purports to ensure that the chat content of a particular channel matches the channel identifier or topic, in order to save a user’s searching time.

Murakami et al. fails to determine the status of a dialogue between members, and fails to update the dialogue status as the dialogue progresses, in contrast to the applicants’ claimed invention. *Murakami et al.* teaches that hits on words or topics even outside of any message content, for example a word appearing in a URL or in a shared virtual space/channel, are taken

into account. The latter instances clearly do not constitute part of a dialogue or dialogue status. And, updating the number of hits on a URL or in a space is clearly not updating anything having to do with members' dialogue.

Moreover, *Murakami et al.* simply tallies the number of times a word or topic appears, without regard to the status of interactions between communicating members, e.g. members' dialogue status.

Thus, neither *Borwanker* nor *Murakami et al.* nor their combination teach each and every element claimed in the applicants' claim 1.

Accordingly, claim 1 is in condition for allowance. Independent claim 15 includes "a primitive-dialogue selection process to determine a dialogue status and update the dialogue as the dialogue progresses". Accordingly, the applicant submits that independent claim 15 is also in condition for allowance for at least the same reasons discussed herein. Claims 2-14 depend directly or indirectly from claim 1 and claims 16-27 depend directly or indirectly from independent claim 15, and thus are also in condition for allowance for at least these reasons.

THE *BORWANKER* AND *MURAKAMI ET AL.* REFERENCES
ARE NOT PROPERLY COMBINABLE

The applicant submits that it would not be obvious to one skilled in the art to combine *Bowanker* and *Murakami et al.* The teachings of *Bowanker* and *Murakami et al.* are diametrically opposite one another.

Bowanker specifically and expressly teaches internet conversation without subscribing to or being a member of an application server. See e.g. *Bowanker* at column 3, lines 23-30.

In stark contrast, *Murakami et al.* teaches a communication support system and method specifically designed for specific application servers, e.g. IRC servers and IRC clients. See e.g. *Murakami et al.* column 1, lines 15-25, and column 1, line 63 through column 2, line 18.

Accordingly, the applicant respectfully submits that claims 1-27 are in condition for allowance over the combination of *Bowanker* and *Murakami et al.* for this additional reason.

**THE *BORWANKER* REFERENCE
FAILS TO TEACH THE APPLICANTS' CLAIMED INVENTION**

In contrast to the applicants' claimed invention, *Borwanker* fails to teach, among other things, characterizing relationships among the members of a social network based on the pattern and purposes of the messages and the dialogue status.

During the course of initiating a conversation, inviting participation, and terminating conversations, *Borwanker* teaches whether one is e.g. an initiator or terminator of (or simply a participant in) a conversation 410, 424, 416 or 418, and labels these so-called "relationships". See e.g. *Bowanker* column 8, lines 53-55.

Bowanker is not characterizing relationships among members at all, however, but is only determining what a member is, namely, a conversation initiator, a conversation terminator, or a conversation participant. This is in sharp contrast to the applicants' claimed invention.

Moreover, the applicants claim characterizing the social relationships among the members of the social network based on the pattern and purposes of the messages and the dialogue status.

As discussed above, *Bowanker* fails to update the dialogue status. Thus, *Bowanker* fails to teach “characterization” based on dialogue status.

Also as discussed above, the applicants’ invention characterizes the relationships in a social network, e.g. by use of pattern and purpose information to characterize the nature and quality of the relationships between network members, to objectively analyze communication patterns between and among individuals and groups, and thus target problem areas for improvement.

In contrast, *Borwanker* teaches synchronized conversations using electronic messages over a computer network which can be initiated by a conference participant without an application administrator, i.e. Lotus Notes, and without subscribing to or being a member of such an application server. See e.g. *Borwanker* column 3, lines 23-30. Thus it is clear that *Borwanker* fails to teach the applicants’ claimed invention as a whole.

“[T]he statute, the law established not by judges but by Congress, requires that the invention as claimed be considered ‘as a whole’ when considering whether that invention would have been obvious when it was made. 35 USC §103.” See *Jones v. Hardy*, 727 F.2d 1524, 220 USPQ 1021, 1024 (Fed. Cir. 1984).

Accordingly, *Bowanker* (even if (improperly) combined with *Murakami et al.*) fails to teach the elements applicants’ claimed invention.

THE APPLICANTS’ DEPENDENT CLAIMS

The applicants’ dependent claims are in condition for allowance for additional reasons as well.

For example, the Examiner states that with respect to claims 10, 11, 13 and 14, *Borwanker* does not specifically disclose classifying the outcome for each of the messages as one of favorable, unfavorable, and neutral type. The Examiner states, however, that *Murakami et al.* discloses classifying the outcome for each of the messages as one of a favorable, unfavorable, and neutral type and assigning a score to each of the members of the social network participating in the dialogue. With respect to claims 12 and 25, the Examiner states that *Murakami et al.* teaches incrementing and decrementing a score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member.

Murakami et al. does not make any judgments regarding the findings, whether favorable, unfavorable or otherwise. *Murakami et al.* does not assign a score to members. *Murakami et al.* simply tallies a number (of topic or word “hits”, as discussed above) and weights them to effectuate a more expedited search process.

CONCLUSION

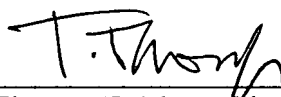
Accordingly, each of the applicants’ claims 1-27 are in condition for allowance.

Each of the Examiner’s rejections has been addressed or traversed. It is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the

undersigned or his associates, collect in Waltham, Massachusetts at (781) 890-5678.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. Thompson", written over a horizontal line.

Thomas E. Thompson, Jr.
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TET/ok